

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

Stanford L. Burris	:	
	:	
Plaintiff,	:	
	:	Civ. No. 04-1469-SLR
v.	:	
	:	
Richards Paving, Inc.	:	
	:	
Defendant	:	

**DEFENDANT RICHARDS PAVING, INC.,’S
RESPONSE TO PLAINTIFF’S MOTION FOR ATTORNEY’S FEES**

Defendant Richards Paving, Inc., (hereafter referred to as “Richards Paving”) hereby moves this Court to enter an order modifying plaintiff’s motion for attorneys fees.

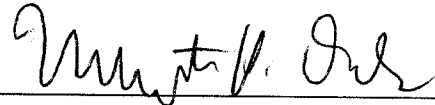
1. Under McKnatt v. State of Delaware, “The court may exclude from the lodestar calculation unnecessary hours or hours that lack proper documentation. 369 F. Supp.2d 521, 524, (D.Del. 2004), citing Hensley v. Eckerhart, 461 U.S. 424, 433 (1986).
2. In the present case, plaintiff’s counsel has attached an itemized bill of professional services rendered in this case. On two separate dates, 2/18/05 and 2/19/05, plaintiff’s counsel merely identifies “research” as work done in this particular case. However, there is no description of the work performed, nor any proper documentation to justify five (5) hours of research at a cost of \$1,750. Based on the lack of specificity and proper documentation, this court should reduce the attorney’s’ fees by \$1,750.
3. On 11/8/06, plaintiff’s counsel billed 5.6 hours for “preparing responses to D’s motion in limine”, at a cost of \$1,960. However, under the Court’s scheduling

order, all responses to motions in limine were due by 11/6/06. At no time was any extension requested by the plaintiff. Therefore, since plaintiff's counsel was late in filing any response to defendants' motions in limine and spent unnecessary time in preparing the responses, plaintiff's attorneys' fees should be reduced by \$1,960.

4. Based on the above, defendant respectfully requests that plaintiff's motion be modified by \$3,710.00.
5. Defendant further requests a modification of any additional attorney's fees the Court deems unreasonable and excessive.

WHEREFORE, for the reasons stated above, Richards Paving respectfully requests that this Court modify plaintiff's motion for attorney's fees in the amounts stated above and any other relief, the Court deems just.

**ELZUFON AUSTIN REARDON
TARLOV & MONDELL, P.A.**



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Dated: December 21, 2006